

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

NELLY C. OSUJI,

Plaintiff,

v.

BREAD FINANCIAL PAYMENTS,
INC.,

Defendant.

NO. 2:22-cv-01121 WBS KJN

-----oo0oo-----

STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for **January 30, 2023**, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

under Federal Rule of Civil Procedure 16(b).

II. JOINDER OF PARTIES/AMENDMENTS

On January 6, 2023, this court denied plaintiff's motion to strike defendant's affirmative defenses. (Docket No. 19.) No further joinder of parties or amendments to pleadings will be permitted except with leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604 (9th Cir. 1992).

III. JURISDICTION/VENUE

Jurisdiction is predicated upon 42 U.S.C. § 1331, because plaintiff asserts a claim under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. Pursuant to 28 U.S.C. § 1367, the court has supplemental jurisdiction over plaintiff's state law claims, which arise from the same course of conduct as plaintiff's federal claim. Venue is undisputed and hereby found to be proper.

IV. DISCOVERY

The parties agree to serve the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) on or before **March 1, 2023**.

The parties shall disclose experts and produce reports in accordance with Federal Rule of Civil Procedure 26(a)(2) by no later than **August 18, 2023**. With regard to expert testimony intended solely for rebuttal, those experts shall be disclosed and reports produced in accordance with Federal Rule of Civil Procedure 26(a)(2) on or before **September 20, 2023**.

All discovery, including depositions for preservation

1 of testimony, is left open, save and except that it shall be so
2 conducted as to be completed by **October 20, 2023**. The word
3 "completed" means that all discovery shall have been conducted so
4 that all depositions have been taken and any disputes relevant to
5 discovery shall have been resolved by appropriate order if
6 necessary and, where discovery has been ordered, the order has
7 been obeyed. All motions to compel discovery must be noticed on
8 the magistrate judge's calendar in accordance with the local
9 rules of this court and so that such motions may be heard (and
10 any resulting orders obeyed) not later than **October 20, 2023**.
11 Any request to take discovery outside the United States shall be
12 taken up with the assigned magistrate judge.

13 V. MOTION HEARING SCHEDULE

14 All motions, except motions for continuances, temporary
15 restraining orders, or other emergency applications, shall be
16 filed on or before **December 4, 2023**. All motions shall be
17 noticed for the next available hearing date. Counsel are
18 cautioned to refer to the local rules regarding the requirements
19 for noticing and opposing such motions on the court's regularly
20 scheduled law and motion calendar.

21 VI. FINAL PRETRIAL CONFERENCE

22 The Final Pretrial Conference is set for **February 12,**
23 **2024**, at 1:30 p.m. in Courtroom No. 5. The conference shall be
24 attended by at least one of the attorneys who will conduct the
25 trial for each of the parties and by any unrepresented parties.

26 Counsel for all parties are to be fully prepared for
27 trial at the time of the Pretrial Conference, with no matters
28 remaining to be accomplished except production of witnesses for

oral testimony. Counsel shall file separate pretrial statements, and are referred to Local Rules 281 and 282 relating to the contents of and time for filing those statements. In addition to those subjects listed in Local Rule 281(b), the parties are to provide the court with: (1) a plain, concise statement which identifies every non-discovery motion which has been made to the court, and its resolution; (2) a list of the remaining claims as against each defendant; and (3) the estimated number of trial days.

In providing the plain, concise statements of undisputed facts and disputed factual issues contemplated by Local Rule 281(b) (3)-(4), the parties shall emphasize the claims that remain at issue, and any remaining affirmatively pled defenses thereto. If the case is to be tried to a jury, the parties shall also prepare a succinct statement of the case, which is appropriate for the court to read to the jury.

VII. TRIAL SETTING

The jury trial is set for **April 16, 2024** at 9:00 a.m. The parties estimate that the trial will last **1 to 2** days.

VIII. SETTLEMENT CONFERENCE

The parties have agreed to mediate and have chosen a mediator. They indicated that the mediation would take place in February 2023. If a settlement agreement has not been reached by the time of the Pretrial Conference, a Settlement Conference will be set at that time. All parties should be prepared to advise the court whether they will stipulate to the trial judge acting as settlement judge and waive disqualification by virtue thereof.

Counsel are instructed to have a principal with full

1 settlement authority present at the Settlement Conference or to
2 be fully authorized to settle the matter on any terms. At least
3 seven calendar days before the Settlement Conference counsel for
4 each party shall submit a confidential Settlement Conference
5 Statement for review by the settlement judge. If the settlement
6 judge is not the trial judge, the Settlement Conference
7 Statements shall not be filed and will not otherwise be disclosed
8 to the trial judge.

9 IX. MODIFICATIONS TO SCHEDULING ORDER

10 Any requests to modify the dates or terms of this
11 Scheduling Order, except requests to change the date of the
12 trial, may be heard and decided by the assigned Magistrate Judge.
13 All requests to change the trial date shall be heard and decided
14 only by the undersigned judge.

15 IT IS SO ORDERED.

16 Dated: January 25, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE